

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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HOWARD BRYAN,

Petitioner,

-against-

WILLIAM PHILLIPS, Superintendent,
Green Haven Correctional Facility,

Respondent.

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AMON, United States District Judge.

NOT FOR PUBLICATION
MEMORANDUM & ORDER
CV-05-0656 (CBA)

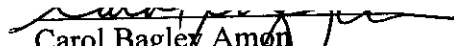
This Court has received a Report and Recommendation from the Honorable Robert M. Levy, United States Magistrate Judge, recommending that Howard Bryan's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 be denied. In Bryan's petition, he asserts three claims: (1) that his federal due process right to be present at all material stages of his trial was violated; (2) that improper statements were made by the prosecutor during summation; and (3) that he was deprived of his right to testify at the grand jury proceeding. Following the issuance of Magistrate Judge Levy's Report of June 5, 2007, Bryan filed objections with this Court.

This Court has reviewed *de novo* the Report and Recommendation and Bryan's objections thereto and finds that his objections are not meritorious. The Court therefore adopts the Report and Recommendation and denies Bryan's petition for a writ of habeas corpus. A certificate of appealability will not be issued because petitioner has failed to make a substantial showing of the denial of a constitutional right. See 28 U.S.C. § 2253 (c)(2). The Clerk of the Court is directed to enter judgment in accordance with the order and to close the case.

SO ORDERED.

Dated: Brooklyn, New York
August 19, 2008

/S/


Carol Bagley Amon
United States District Judge